

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:10-CV-154-D

JOHN D. MANLEY, and
KAREN MANLEY,

Plaintiffs,

v.

JOHN DOE,
WENDY'S INTERNATIONAL, INC.,
and "FIRST SUN" MANAGEMENT
CORPORATION, d/b/a WENDY'S.,

Defendants.

ORDER

On December 15, 2010, defendants filed a motion for judgment on the pleadings [D.E. 14]. On December 23, 2010, plaintiffs filed a motion for leave to file an amended complaint [D.E. 16].

The court GRANTS the motion for leave to file an amended complaint [D.E. 16]. Plaintiffs shall file the amended complaint no later than May 20, 2011. Defendants may plead in response to the amended complaint in accordance with the Federal Rules of Civil Procedure. The motion for judgment on the pleadings [D.E. 14] is DENIED as moot.

Finally, the court DENIES defendants' motion to compel discovery [D.E. 24] as moot in light of plaintiffs' response [D.E. 29]. Plaintiffs are reminded of their continuing duty to provide responsive information and are WARNED that the failure to abide by discovery obligations may result in sanctions, up to and including dismissal. See Hathcock v. Navistar Int'l Transp. Corp., 53 F.3d 36, 40-41 (4th Cir. 1995).

SO ORDERED. This 11 day of May 2011.


JAMES C. DEVER III
United States District Judge